ARTICLE 9 SUBDIVISION REGULATIONS

DIVISION 1 GENERAL

The subdivision regulations establish rules, regulations, procedures, criteria and design standards governing the subdivision, platting, replatting and plat vacation of land in the unincorporated area of Costilla County.

Section 9.100 General Provisions

- A. **Subdivision Plat Approval Required.** The division of land into two or more parcels is a subdivision and requires approval by the Board of County Commissioners under this Code. The term "subdivision" does not apply to any division of land that creates parcels of land where each parcel is 35 acres or more in size or a division of land that is approved as a Subdivision Exemption.
- B. **Sales Prohibited Prior to Platting.** No person with any interest in land located within a subdivision or proposed subdivision, shall transfer or agree to sell or offer to sell or sell any land before the plat for the subdivision has been approved by the Board of County Commissioners and recorded or filed in the Office of the County Clerk and Recorder.

C. Subdivision Improvements Agreement.

- 1. No Final Plat shall be approved by the Board of County Commissioners until the applicant has submitted a Subdivision Improvements Agreement or similar contract setting forth the plan, parties responsible and method for the construction of all required public improvements shown on the Final Plat documents. The agreement or contract shall adhere to design standards of the County or prevailing engineering practices. The agreement shall, in the judgment of the Board of County Commissioners make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the Board. Suitable collateral in an amount stipulated in the Subdivision Improvements Agreement shall accompany the Final Plat submission to ensure completion of the public improvements according to design and time specifications. Such collateral shall be in the form of a payment and performance bond.
- 2. If the improvements requiring installation are not constructed in accordance with the required specifications, the County shall notify the applicant of the noncompliance and establish schedules for the correction of the noncompliance. If the Board of County Commissioners determines that any or all of the improvements will not be constructed in accordance with the specifications, the county shall have the power to annul the Subdivision Improvements Agreement, either fully or in part, and withdraw from the deposit of collateral such funds as are necessary to construct the improvements in accordance with the specifications

previously established. Should an applicant not provide suitable collateral to insure completion of the required public improvements, the Final Plat shall not be accepted by the Office of the County Clerk and Recorder until said improvements are constructed and approved by the Board of County Commissioners. As the required public improvements in a subdivision are completed, the applicant may apply in writing to the Board of County Commissioners for a partial or full release of the collateral. Upon receipt of such requests, the Board of County Commissioners or its appointed agent shall inspect the public improvements that have been completed. If the Board determines from such inspection that the improvements have been made in accordance with the Final Plat and the Subdivision Improvements Agreement, a portion of the collateral shall be released, provided that the Board of County Commissioners retains sufficient collateral to cover the cost of the uncompleted improvements.

D. Subdivision Certification.

- 1. **Application.** Any subdivision which believes it meets the certification requirements set forth in Section 3.250(A)(5), *Criteria for Subdivision Certification*, may apply to the Planning Commission for certification.
- 2. **Certification**. If the Planning Commission finds that the subdivision's restrictive covenants and internal review process satisfy the Criteria for Subdivision Certification set forth in Section 3.250(A)(5), the Planning Commission may issue a Letter of Certification. In addition to the approval criteria established under the restrictive covenants, the Planning Commission may establish additional approval criteria as terms of the subdivision's certification to ensure that development approved by the subdivision's governing body is in compliance the County's development standards.
- 3. **Certification Valid for Five Years**. The subdivision's certification shall be valid for five years and may be extended by the Planning Commission for successive five-year periods.
- 4. **Inspection**. The subdivision's certification does not limit the County's authority to inspect improvements in the subdivision to ensure compliance with these Regulations.
- 5. **Criteria for Subdivision Certification**. A subdivision may be certified pursuant to Section 3.250 if it meets the following criteria.
 - a. Covenants are Sufficient to Establish Review and Approval by the Subdivision Prior to Construction. The restrictive covenants for the subdivision establish a governing body and require that the subdivision's governing body approve the plans and specifications for development of single-family dwellings located on established lots within the subdivision prior to construction.

- b. Covenants Establish Approval Standards that are Sufficient to Ensure Development in Compliance with this Code. The restrictive covenants for the subdivision establish development approval standards that are sufficient to reasonably ensure development in compliance with the County's development standards established by this Code.
- c. **Covenants are Recorded and Enforced**. The restrictive covenants for the subdivision are recorded and are enforced by the subdivision's governing body.
- **Revocation of Subdivision Certification**. Upon proper notice and a hearing by the Planning Commission, if the Planning Commission finds that a Certified Subdivision no longer meets the criteria for certification set forth in these Regulations or the terms of its certification, the Planning Commission shall revoke certification. The revocation shall be effective until the subdivision is recertified under the provisions of these Regulations.
 - a. **Notice**. The Administrator shall provide written notice to the subdivision's governing body stating the reasons for potential revocation of the subdivision's certification, and the date of the Planning Commission hearing to consider revoking certification.
 - b. **Hearing**. The Planning Commission shall consider revocation of a subdivision's certification at a properly noticed meeting. If the Planning Commission finds that the subdivision no longer meets the requirements for certification or the terms of its certification, the subdivision's certification shall be revoked.

DIVISION 2 PROCEDURES FOR SUBDIVISION REVIEW

Section 9.200 Two Possible Levels of Subdivision Review

There are two possible levels of permit review for a proposed subdivision: a minor subdivision review and a major subdivision review. The Land Use Administrator shall make the initial determination of the appropriate level of subdivision review based upon a pre-application meeting and submittal of the pre-sketch plan.

- A. **Minor Subdivision.** The Planning Director shall determine that Minor Subdivision Review is required if the subdivision falls under one of the following categories and is consistent with the County Comprehensive Plan and these Subdivision Regulations.
 - 1. The following uses shall be classified and reviewed as minor subdivisions:
 - a. 2-4 units. 2-4 single-family dwelling units or lots.

- b. <u>Second Single-Family Dwelling</u>. A second single-family dwelling unit on one parcel.
- c. <u>Agricultural Subdivision for Family Members</u>. Subdivisions of an agricultural property to serve as family member homesteads.
- d. <u>Vacation of a Recorded Subdivision Plat</u>. Vacation of a previously recorded subdivision.
- B. **Major Subdivision**. The Land Use Administrator shall determine that Major Subdivision Review is required if the Subdivision is not a Minor Subdivision.

Section 9.210 Minor Subdivisions Review Process.

The following review process shall apply to minor subdivisions:

- A. **Submittal of Final Plat.** The applicant shall submit _____copies of a Final Plat containing the materials set forth in Section 9.300.C to the Land Use Administrator
- B. **Review of Final Plat by Land Use Administrator**. The Land Use Administrator shall review the Final Plat. If it substantially complies with the requirements of these regulations, the Administrator shall schedule the Final Plat for review and approval by the Board of County Commissioners at a public hearing.
- C. **Public Notice of Hearing**. Public notice that the Board of County Commissioners will conduct a public hearing to consider the application shall be made pursuant to Section 3.230.
- D. **Public Hearing and Action on Final Plat by Board of County Commissioners**. The Final Plat shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Board of County Commissioners shall approve, approve with conditions or deny the Final Plat.

Section 9.220 Major Subdivision Review Process

If a Subdivision is a Major Subdivision as determined in Section 9.200, then the following review process shall apply:

A.	Sketch	Plan Review Process.	Following a pre-application conference, the applicant
shall	submit	number of copies of	of a Sketch Plan meeting the submittal requirements of
Secti	on 9.300. <i>A</i>	A.	

- 1. **Review of Sketch Plan by Land Use Administrator**. The Land Use Administrator shall review and prepare a report on the Sketch Plan. Upon a determination of completeness, the Administrator shall schedule the Sketch Plan for review by the Planning Commission at a Public Hearing.
- 2. **Public Notice of Hearings**. Public notice that the Planning Commission will conduct a public hearing to consider the sketch plan application shall be made by the applicant pursuant to Section 3.230.
- 3. **Public Hearing and Recommendation by Planning Commission**. The Sketch Plan shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the Sketch Plan be approved, approved with conditions or denied based on the Subdivision Standards at Section 9.400.
- 4. **Action by Board of County Commissioners.** The final decision to approve, approve with conditions or deny the Sketch Plan shall be made by the Board of County Commissioners at the next regularly scheduled meeting following the Planning Commission action on the Sketch Plan.
- 5. **Expiration of Approval of Sketch Plan**. If the applicant fails to proceed with the Preliminary Plan application within twelve (12) months of Sketch Plan approval, the sketch plan approval shall expire. The Board may extend the time period for filing the Preliminary Plan application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Sketch Plan approval.
- B. **Preliminary Plan Review Process**. Following approval of a sketch plan by the Board, the applicant shall submit _____ copies of the Preliminary Plan containing the materials set forth in Section 9.300.B to the Land Use Administrator.
 - 1. **Completeness Determination**. Upon receipt of ____ copies of a Preliminary Plan containing the information in Section 9.300B, the Land Use Administrator shall review the Preliminary Plan and determine whether the application is complete.
 - a. <u>Application is Not Complete</u>. If the application is not complete, the Administrator shall inform the applicant of the deficiencies in writing and

- shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn and returned to the applicant.
- b. <u>Application is Complete</u>. If the application is complete, the Administrator shall certify it as complete and stamp it with the date of the application acceptance. The Administrator shall notify the applicant, in writing, of the application's completeness and of the date set for public hearing by the Planning Commission, if applicable, which shall be no later than sixty days after the date the application was determined to be complete.
- 2. **Review of Preliminary Plan by Land Use Administrator**. The Land Use Administrator shall review and prepare a report on the complete Preliminary Plan and shall schedule the Preliminary Plan for public hearing at a meeting of the Planning Commission. The Planning Commission public hearing shall be held not more than forty-five (45) days from the date of the completeness determination.
- 3. **Public Notice of Planning Commission Public Hearing**. Public notice that the Planning Commission will conduct a public hearing to consider the Preliminary Plan shall be made by the applicant pursuant to Section 3.230.
- 4. **Referral Agency Review**. The Administrator may submit the Preliminary Plan to referral agencies for review and comment. The referral review and comment period shall be for a period of time up to thirty (30) days from the date that the application is deemed complete.
- 5. **Public Hearing and Recommendation by Planning Commission**. The Preliminary Plan shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Planning Commission shall recommend that the Preliminary Plan be approved, approved with conditions or denied based on the Subdivision Standards at Section 9.400.
- 6. **Scheduling of Board of County Commissioners Hearing**. Following the recommendation on the Preliminary Plan by the Planning Commission, the Land Use Administrator, in consultation with the applicant, shall schedule a public hearing on the Preliminary Plan at a meeting of the Board of County Commissioners to be held not more that forty-five (45) days from the date of the Planning Commission recommendation.
- 7. **Public Notice of Board of County Commissioner Hearings**. Public notice that the Board of County Commissioners will conduct a public hearing to consider the Preliminary Plan shall be made by the applicant pursuant to Section 3.230.

- 8. **Action by Board of County Commissioners**. The Preliminary Plan shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The final decision to approve, approve with conditions or deny the Preliminary Plan shall be made by the Board of County Commissioners based on the Subdivision Standards at Section 9.400.
- 9. **Development Agreement**. If a development agreement will be part of the subdivision, then the Development Agreement shall also be submitted, reviewed and approved along with the Preliminary Plan.
- 10. **Expiration of Approval**. Unless another timeframe has been agreed to in a Development Agreement, the Preliminary Plan approval shall expire within twelve (12) months of date of approval. The Board may extend the time period for filing the Final Plat application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Preliminary Plan approval.
- C. **Final Plat Review Process**. Following approval of the Preliminary Plan, the applicant shall submit ______copies of the Final Plat meeting the requirements of Section 9.300.C for review by the Land Use Administrator.
 - 1. **Review of Final Plat by Land Use Administrator**. The Land Use Administrator shall review the Final Plat. If it substantially complies with the Preliminary Plan, the Administrator shall schedule the Final Plat for review and approval by the Board of County Commissioners at a Public Hearing.
 - 2. **Public Notice of Board of County Commissioner Public Hearing**. Public notice that the Board will conduct a public hearing to consider the Final Plat shall be made by the applicant pursuant to Section 3.230.
 - Public Hearing and Action by Board of County Commissioners. The Final Plat shall be considered by the Board of County Commissioners at a public hearing, after proper notice, in accordance with the provisions of Section 3.240. The Board of County Commissioners shall consider the Final Plat and may approve, approve with conditions or deny the Final Plat based on these regulations. The Final Plat shall be approved if it is found to conform with the approved Preliminary Plan and meets all legal requirements.

DIVISION 3 APPLICATION SUBMITTAL REQUIREMENTS FOR SUBDIVISION

Section 9.300 Application Submittal Requirements for Subdivision

A. **Sketch Plan Submittal Requirements.** A Sketch Plan application shall contain the following:

- 1. **Sketch Plan**. Sketch plans shall be prepared by appropriately qualified persons, such as a landscape architect, surveyor, engineer or draftsperson, in a clear and legible manner acceptable to the Land Use Administrator at a scale of one (1) inch to one hundred (100) or two hundred (200) feet. In the case of large proposed subdivisions requiring more than one sheet at such scale, a total area plan showing the total area at an appropriate scale shall also be submitted. A sketch plan shall include the following information:
 - a. The name, address and telephone number of each property owner and of the applicant(s), if other than the owner(s) and the name of the individual preparing the submittal.
 - b. The name of the proposal.
 - c. The date of preparation of the sketch plan, a north arrow and a graphic scale.
 - d. An accurate legal description of the property included within the proposal and all adjacent land owned or under option by the applicant.
 - e. Enumeration of the approximate acreage of the proposed subdivision.
 - f. The current zoning on the site and any zoning changes to be requested.
 - g. Any unique historical, archeological, scenic or other noteworthy features on or in close proximity to the site.
 - h. A delineation of existing easements on the site, their use(s) and the easement owners.
 - i. The existing and any proposed new means of public access to the proposed subdivision.
 - j. A graphic description of all the natural and manmade watercourses, retention areas, streams and lakes including any known, identified or designated one hundred (100) year floodplains and other natural hazards, if any.
 - k. Evidence of all existing structures on the site, their current uses and their future status within the proposed subdivision.
 - 1. The topography of the site at an appropriate contour interval, noting all areas with slope in excess of twenty (20) percent.

- m. The average lot size, proposed density and all public and private sources of utility facilities and services.
- n. The location of all existing and proposed streets, drives and roads and the names of existing streets within the site.
- o. The approximate location of land to be reserved and land to be dedicated to the County.
- p. A lot and street layout, indicating general scaled dimensions of lots and blocks.
- q. The location of off-street parking areas, areas for landscaping, the location of any commercial, service, industrial, recreational and community facilities or buildings and the future land use(s) within the various portions of the proposed subdivision.
- 2. **Vicinity Map.** A vicinity map showing the proposed subdivision in relationship to the surrounding area with the names of adjacent subdivisions and property owners along with the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
- 3. **Description of Water and Sewer**. A description of the proposed systems for the supply of potable water and the disposal of sewage along with adequate evidence that a water supply system capable of dependably delivering an adequate quality and quantity of water for the proposed subdivision will be provided.
- 4. **Written Narrative Description**. A brief narrative description of the proposal. Include all submission information appropriately presented in narrative form, describing briefly the scope and concept of the proposed subdivision and its anticipated impact on adjoining land uses, on water quality and supply in the area and on the circulation system in the area. The narrative shall also describe whether and to what extent the proposed subdivision is consistent with and fosters the intent of this Code and the goals, objectives, and policies contained in the Comprehensive Plan. Included on the sketch plan and in the narrative should be information on the phasing, if any, that will be used in the development of the proposed subdivision.
- B. **Preliminary Plan Submittal Requirements**. A Preliminary Plan application shall contain the following:
 - 1. **Preliminary Plan**. Preliminary plans shall be prepared by appropriately qualified persons in a clear and legible manner on reproducible stock in a manner acceptable to the Planning Commission and at a scale of one (1) inch to one hundred (100) or two hundred (200) feet or another scale approved by the County

Planner. In the case of large proposed subdivisions requiring more than one sheet at such scale, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted. A Preliminary Plan shall require the following information:

- a. The name and address of the property owner (s) and of the applicant(s) if other than the owner or owners, and the person or persons preparing the Preliminary Plan submittal materials.
- b. In the case of a corporate property owner or corporate applicant, evidence of registration or incorporation in the State of Colorado.
- c. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado setting forth the names of all owners of property included within the proposed subdivision and a list of all mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property within the proposed subdivision.
- d. The name or identifying title of the proposed subdivision.
- e. The date of preparation of the Preliminary Plan, a north arrow and a written and graphic scale.
- f. An accurate legal description of the property included within the proposed subdivision and the total acreage of the proposed subdivision.
- g. The location of the proposed subdivision as a part of a larger subdivision, if any, and with reference to permanent survey monuments with a tie to a section or a quarter-section corner.
- h. A location map showing the relationship of the proposed subdivision to the characteristics of the surrounding area along with the names of adjacent subdivisions and the current land uses and zoning districts within one (1) mile of the boundaries of the proposed subdivision.
- i. A list from the County Assessor's office of current property owners of record and their complete mailing address for property within five hundred (500) feet of the boundaries of the proposed subdivision. This distance provision may be expanded up to two thousand five hundred (2500) feet by majority vote of the Planning Commission in the case of large subdivisions and other special circumstances that so warrant.
- j. A list of the owners of subsurface mineral interests and their lessees, if any, on the proposed site and their complete mailing addresses.

- k. Site data in chart form presenting the total number of proposed residential lots, the net size of the average (mean) lot, minimum lot size, maximum lot size, types of land use proposed and area of land proposed for each such land use.
- 1. The proposed sites, if any, for multi-family residential use, business use, commercial and industrial areas and other public and non-public uses exclusive of single family residential areas within the proposed subdivision.
- m. The total number of projected square feet of non-residential floor space to be included within the proposed subdivision.
- n. The current zoning districts on the site and any zoning changes to be requested.
- o. The location and principal dimensions of all existing and proposed streets, alleys, roads, easements, off-street parking areas, watercourses, streams, ponds and other significant features of the natural and manmade landscape within and adjacent to the proposed subdivision. Such features should be labeled by their proper names, when such names exist or are known, and the use of all should be clearly shown.
- p. The location of current and proposed future uses of all buildings and other structures in and within one hundred (100) feet of the boundaries of the proposed subdivision.
- q. A lot and street layout with lots and blocks numbered consecutively with the dimensions of all lots to the nearest foot and the acreage in each lot displayed.
- r. The location of and preliminary engineering for any existing or proposed sewers, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants and the sizes and types thereof, along with the width and depth of pavement or sub-grading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks.
- s. The preliminary engineering design and construction features for any bridges, culverts or other drainage structures to be constructed.
- t. The topography of the proposed subdivision at two (2) foot contour intervals for predominant ground slopes up to five (5) percent grade and five (5) foot contours for predominant ground slopes within the site that are over five (5) percent grade. Upon request of and at the discretion of

- the County Planner, alternate contour intervals can be used for all or part of a site where special slope or other conditions prevail. Elevations shall be based on National Geodetic Survey sea level date.
- u. The delineation of any known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding.
 Mitigation measures, if any, proposed to overcome the conseluences of periodic inundation shall also be included in the submission. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown.
- v. The delineation of the geological characteristics of the area with evidence regarding the extent and intensity of any geological, radiological, seismic or other related hazards within or in close proximity to the proposed site. Mitigation measures, if any, proposed to overcome such geological, radiological, seismic or other hazards shall also be included in the submission.
- w. Soil suitability and interpretation information developed from National Cooperative Soil Survey data and accompanied by a table of interpretation for the soil types shown on the soils map or equivalent qualified private research sources, along with a narrative description of the mitigating measures, if any, proposed to overcome soils limitations present on the site of the proposed subdivision.
- x. Preliminary drainage, erosion and sedimentation control plans, as required.
- y. Delineation of the type and extent of vegetative cover on the site.
- z. All areas to be reserved for community or public uses and all areas to be dedicated to Costilla County along with any other areas to be used for open space and a statement describing how such reserved, dedicated and open space lands shall be maintained.
- 2. **Protective Covenants**. Preliminary copies of the protective covenants and homeowner documents to be filed with the Final Plat.
- 3. **Wastewater System**. Evidence that the proposed system for the disposal of sewage will comply with the State of Colorado statutes, regulations and design requirements and that the proposed method is both technically feasible and environmentally sound. The peak capacity of the sewage treatment system shall be provided if a centralized collection and treatment system is proposed.

- 4. **Water Supply System**. Evidence that the proposed system for the supply of potable water will be sufficient in terms of quantity, quality, dependability and pressure to provide adequate water supply to the proposed subdivision. The peak capacity of the proposed water supply system shall be provided if a centralized distribution system is proposed.
 - a. Evidence of ownership or right of acquisition of or use of existing and/or proposed water rights.
 - b. Historic use and estimated yield of claimed water rights.
 - c. Evidence that public or private water users can and will supply water to the proposed subdivision and a statement of the amount of water available for use within the subdivision and the feasibility of extending service to the site.
 - d. Location of wells and/or location and size of water lines to serve the proposed development.
 - e. Evidence demonstrating that the potability and overall quality of the proposed supply will meet or exceed state and Federal water quality standards for drinking water. Where the water supply will be provided by individual on-lot wells, the cumulative effect of such proposed use on vested water rights shall be discussed and evidence of the actual physical availability of water for each proposed lot in the quantity and quality required, as the result of test drilling or other on-site means, shall be provided.
- 5. **Central Water and Sewer**. Where water supply or sewage collection and treatment is to be provided by an already existing centralized system, a letter of preliminary commitment from the owner(s) of that system or their duly authorized agent(s), stating that there now exists or will exist sufficient system capacity to supply the needs of the proposed subdivision and that the owners of the system are willing and able to provide the proposed water supply or sewage collection and treatment services.
- 6. **Wildlife Study**. Information regarding the relationship of the proposed location of the subdivision to any critical wildlife habitat and wildlife migration corridors and proposed mitigation measures to preserve such habitat and corridors and measures to be employed to reduce the impact of future human settlement on such wildlife habitat and migration corridors.
- 7. **Historical and Archaeological Inventory**. Information regarding the relationship of the proposed location of he subdivision to any historical or archeological resources and proposed mitigation measures to preserve such

- resources and measures to be employed to reduce the impact of future human settlement on these historical and archeological resources.
- 8. **Development Schedule**. A preliminary development schedule for required and proposed improvements, including the estimated construction cost and the proposed method(s) of financing.
- 9. **Special Districts**. A discussion of any special districts that would be created wholly or partly within the proposed subdivision, listing the proposed boundaries of the service district and what services it would provide.
- 10. **Preliminary Phasing**. A preliminary phasing plan when the proposed subdivision would be developed in more than one phase.
- 11. Other such information and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Preliminary plan.
- C. **Final Plat Application Submittal Requirements**. A Final Plat application shall include the following:
 - 1. **Final Plat**. Final plats shall be prepared by a registered or licensed professional land surveyor, in a clear and legible manner on reproducible film stock and in a manner acceptable to the Land Use Administrator. Final plats shall be prepared at the same scale as Preliminary Plans unless the Planning Commission, by majority vote, deems otherwise. Final plats shall exhibit outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall contain a certification as to accuracy by a registered land surveyor licensed by the State of Colorado. In the case of large subdivisions requiring more than one sheet at such size, a reproducible composite measuring not more than twenty-four (24) inches by thirty-six (36) inches and showing the total area at an appropriate scale shall also be submitted. The Final Plat shall contain the following information:
 - a. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners, along with the name, address and seal of the certifying registered land surveyor and the other individuals preparing the Final Plat.
 - b. A copy of a current certificate from a title insurance company or an attorney licensed to practice law in the State of Colorado attesting to the accuracy and validity of the title to the property being platted and stating that the applicant is the land owner or is duly authorized by the lane owner(s) to so plat such land.
 - (1) The certificate or certification shall also list all mortgages, liens judgments, easements, contracts, and agreements of record

regarding the land to be platted and the Board of County Commissioners may require, at its discretion, that the holders of such mortgages, liens, judgments, easements, contracts or agreements shall be required to join in and approve the application for Final Plat approval before such Final Plat is accepted for review.

- c. The name or identifying title of the proposed subdivision.
- d. The date of preparation of the Final Plat, a north arrow and a graphic scale.
- e. A complete and accurate legal description of the property being platted and the total acreage and number of lots being platted.
- f. Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township range.
- g. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, drainage, and grading plans.
- h. The township, range, section and quarter section(s) showing the location and full description of all monuments as required by this Code and by Title 38, Article 51, C.R.S.
- i. A lot and street layout with all lots and blocks numbered consecutively, the dimensions of all lots, the acreage of each lot shown to two decimal places and all street and road names.
- j. Area of the site, individual parcels and areas of all development including location of structures, providing the percentage thereof the site shall be included. This includes developed driveways, parking and buildings.
- k. All plat boundary lines with the lengths of courses to hundredths of a foot and bearings to the nearest second.
- 1. The lengths of all arcs, radii and tangents.
- m. Show design and layout of all water and sewer service lines, treatment facilities and other elements of the sanitary sewer system, including the location of soil percolation tests as applicable.
- n. Location and width of existing and proposed roadways, sidewalks, or paths, road rights of way and parking areas within the site must be shown.

- o. The names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivision and any municipal limits within two hundred (200) feet of the boundaries of the plat.
- p. Location and size of existing and proposed signs for the purpose of identification, advertising and traffic controls must be shown.
- q. The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks and similar features, including all other rights-of-way not otherwise or explicitly mentioned.
- r. The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting.
- s. The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted.
- t. A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, public sites and other such features. The transfer to the County of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the Final Plat.
- u. Identification of lots with slope in excess of twenty (20) percent and any other lots where special studies are required prior to obtaining a development permit.
- v. Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any.
- w. The following significant features must be shown:
 - (1) Existing and proposed utility lines.
 - (2) Natural and artificial drainage ways, ditches, streams and lakes.
 - (3) Vegetative cover.
 - (4) Rock outcrops, soil types, geologic hazards.

- (5) Dams and reservoirs.
- (6) Excavations and mine shafts.
- (7) And any other on-site or off site feature that influences the development.
- 2. **Final Engineering Plans**. Final engineering for roadway, drainage, erosion and sedimentation control plans along with a grading plan and a revegetation plan. The grading plan shall be indicated by solid line contours superimposed on dashed line contours of the existing topography of the area to be platted. Certification of approval by the Planning Commission and the Board of County Commissioners is required.
- 3. **Subdivision Improvement Agreement**. A Subdivision Improvement Agreement in a form approved by the Land Use Administrator and land Use Counsel.
- 4. **Permits and Approvals**. A copy of any state, local or federal permits and approvals, including but not limited to permits issued under Section 404 of the Clean Water Act, state or federal highway access permits, and air quality permits.
- 5. **Drawings**. Plan, profile and typical cross sectional drawings of all roads, bridges, culverts and other drainage structures, noting to what depths underground utility lines will be buried beneath such features.
- 6. **Additional Plat Notes**. Other plat notes and submittal items as the Planning Commission or the Board of County Commissioners may reasonably request to review and act upon the Final Plat.

DIVISION 4 SUBDIVISION DESIGN STANDARDS AND SPECIFICATIONS

Section 9.400 Standards and Specifications

The following design standards and specifications shall apply to all subdivisions in the County except as otherwise provided for within the provisions of this Code.

- **A. General.** In addition to the design standards and specifications listed herein, all proposed subdivisions shall satisfy the following general standards:
 - 1. **Compatible with neighboring uses**. The proposed subdivision is consistent with and in harmony with neighboring land uses and future intended land uses in the area.

- 2. **Mitigate Traffic Congestion and Hazards**. The proposed subdivision will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic.
- Avoid Negative Impacts. The proposed subdivision shall be designed to avoid or mitigate negative impacts upon agricultural lands, critical wildlife habitat and wildlife, scenic views and existing and cultural and historical resources.
- 4. **Preserve the Environment and Promote Public Health, Safety and Welfare.** Subdivisions shall be located and laid out so as to protect the public health, safety, welfare and convenience of the residents of the proposed subdivision and to preserve and enhance the natural terrain, vegetation, soils, wildlife habitat and migration corridors, natural drainages, land forms and other positive characteristics of the site.
- B. **Subdivision Lots.** All lots in any subdivision shall conform to the following specifications:
 - 1. **Lots Conform to Zoning District Standards**. Lot dimensions and other characteristics shall conform to the applicable zoning district requirements and other appropriate provisions of this Code.
 - 2. **Lots have Access to Public Roadways**. All lots shall have access by easement or other means to a public street or road.
 - 3. **Double Frontage Lots Avoided**. Lots with double frontage shall be avoided except where essential and unavoidable to provide separation from major arterials, incompatible land uses or topographical or other environmental considerations.
 - 4. **Site Lot Line Alignment**. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.
 - 5. **Lots Configuration Cul-de-Sacs**. Wedge shaped lots or lots fronting on culde-sacs shall not be less than thirty (30) feet in width at the front property line.
 - 6. **Lot Division by Boundaries or Roads**. No lots shall be divided by County or municipal boundaries, roads or other lots.
 - 7. **Delineation of Potential Development in Hazard Areas**. Delineation of areas for potential building sites, or building envelopes, shall be required for those lots significantly affected by any designated or known one hundred (100) year flood plan, major drainage ways, areas of excessive slope of twenty (20) percent or greater or other identifiable natural or man-made hazards.

- 8. **Slope Development**. No building permit shall be issued for construction on building lots with twenty (20) percent or greater slope where construction would occur without an applicant submitting a special engineering study to the Land Use Administrator prior to seeking the building permit. The study shall show the feasibility of the site to allow for construction of the intended structures and it shall also describe the mitigation measures to be used to overcome excessive slope problems.
- 9. **Nonconforming Lots Prohibited**. The division of land shall not create nonconforming lots.
- 10. **Multi-Family Development Prohibited on Single Parcel of Land**. Except for subdivided lots approved for multi-family housing, no subdivided lot or division of land which creates a single parcel shall be occupied by more than one dwelling.
- C. **Subdivision Blocks.** Block lengths and widths shall be acceptable to the Board of County Commissioners and shall be appropriate to the types of land use anticipated in the subdivision, consistent with the zoning provisions within the district(s) in which the subdivision would be located and compatible with the terrain. Blocks shall conform to the following specifications:
 - 1. **Block Size Adequate for Proposed Use**. The size of blocks shall be adequate to accommodate the proposed use.
 - 2. **Block Size Adequate for Access and Safety**. The size of blocks shall be designed for convenient access, vehicular and pedestrian circulation, and control and safety of street traffic.
 - 3. Block Size Adequate to Accommodate Proposed Individual Septic Systems. The size of blocks shall be adequate to accommodate leaching fields where individual septic disposal systems are proposed.
 - 4. Block Size Adequate to Accommodate Both Proposed Wells and Individual Septic Systems. The size of blocks shall be adequate for the location of domestic wells where individual septic disposal systems are used.
 - 5. **Maximum Block Length**. Block lengths shall not be longer than one thousand two hundred (1200) feet, except where they enter main through streets.
 - 6. **Accommodation for Future Subdivision**. When a tract is to be subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged to allow the opening of future rights-of-way and logical further subdivision of the tract and adjoining lands.
- D. **Subdivision and County Street and Road Standards and Specifications.** Private and public streets and roads in new subdivisions and other development elsewhere in the County

shall be designed and constructed to the standards and specifications as set forth in this Code and in any other applicable laws, resolutions or regulations of Costilla County.

- 1. **Advantageous Street System Design**. Street systems shall be devised for the most advantageous development of the entire area. Principal streets in adjoining subdivisions or other development shall be continued and the street system shall provide for the future projection of principal streets into subdivided and unsubdivided adjoining property.
- 2. **Ingress and Egress from Subdivision**. Except in the case of subdivisions less than twenty (20) lots, at least two (2) means of access to the subdivision shall be provided, so that all lots within the subdivision are provided with adequate ingress and egress in the event of emergency. In the case of large subdivisions, the County may require more than two entrances and in other cases, on application and the demonstration of good cause, the Planning Commission may waive the requirement of two (2) means of access.
- 3. **Arterial Street Buffering**. When a subdivision or other development abuts or contains an existing or proposed major arterial street or highway, the County may require service roads, reverse frontage lots with screen planting in a reservation strip abutting the major arterial or other such treatment as may be necessary to adequately protect residential properties and separate local and through traffic.
- 4. Adequate Capacity of County Roads. When a proposed subdivision or other development is located in an area serviced by a County road, the County roads shall be adequate to serve the proposed development. If the County determines that the traffic generated by the subdivision will result in safety hazards for drivers, pedestrians or adjacent residents, or result in substantially increased County maintenance costs, then the County will then determine the improvements necessary to bring the road to acceptable standards for safe and adequate service for the present and future residents. The applicant and the Board shall then agree upon a cost-sharing program and/or construction timetable to bring the road to an acceptable condition and such agreement shall be incorporated into the Subdivision Improvement Agreement.
- 5. **Paving of Roads**. The County may require the paving of any street or road that, in the Board's opinion, would be hazardous to the public health, safety, welfare or convenience if not paved.
- 6. **Cul-de-Sacs**. Cull-de-sacs shall not be longer than one thousand three hundred and twenty (1320) feet in length, nor service more than twenty (20) residential units. Every such street which serves as the sole frontage of any lot shall provide a turning space at its closed end with at least one hundred (100) feet in useable diameter between property lines. Such streets will be allowed only in cases where it can be demonstrated that the street will be passable year-round by virtue of

minimum grade and curvature, adequate parking provisions and allowance for snow removal and storage.

- 7. **Dead-End Streets**. Dead-end streets (not including cul-de-sacs) shall be prohibited unless they are platted to the boundary of the subdivision and are so located to provide logical connection to future streets in adjoining undeveloped lands. All dead-end streets shall be provided with a temporary turnaround right-of-way easement having a diameter of at least one hundred (100) feet.
- 8. **Street Intersections**. There shall be a minimum number of intersections of residential streets with state and federal highways. No more than two streets or roads shall intersect at one point. Streets shall not intersect at an angle of less than sixty (60) degrees nor more than one hundred and twenty (120) degrees, except under unusual circumstances. Intersecting streets shall be connected with each other by a curve of at least twenty-five (25) feet in radius.
- 9. **Curves**. All horizontal and vertical curves shall be laid out so that there shall be clear vision ahead and behind within the traveled way for a safe distance.
- 10. **Bridges**. Bridges shall be constructed to the following standards:
 - a. Sufficient strength to accommodate an AASHO (American Association of State Highway Officials) H-20 live load carrying capacity. It shall be the responsibility of the applicant to demonstrate that this standard will be met.
 - b. Adequate pedestrian facilities for safe passage.
 - c. Approach grades and curvatures adequate to ensure safe sight distance.
 - d. Hydraulic flow capacity to pass the maximum one hundred (100) year probable flood, as determined by the drainage study or other professionally prepared study.
- 11. **Road Grades**. Street and road grades shall in general conform to the terrain and shall not, except as provided below, be constructed at grades of less than one (1) percent nor more than the following percent grades:

County road	6%
Arterial	8%
Collector street	8%
Local street	10%

12. **Rights-of-Way Width**. Street and road rights-of-way shall conform to the following minimum right-of-way widths, except as provided for below.

80 feet
50 feet
80 feet
60 feet
50 feet
100 feet
12 feet

13. **Minimum Road Width**. Street and road roadway surfacing widths, as measured from shoulder edge to shoulder edge or curb to curb, shall conform to the following minimums, except as expressly waived by the Board of County Commissioners after a finding that a waiver is in furtherance of the objectives of the Land Use Code and Comprehensive Plan.

County road	40 feet			
Required frontage road	30 feet			
Residential streets:				
arterial	40 feet			
collector	32 feet			
local	30 feet			
Alleys (where proposed)	12 feet			

- 14. **Road Base**. Roads, where not paved, shall be constructed with an eight (8) inch base and a two (2) inch finish of a size and quality of construction material acceptable to the Board of County Commissioners and shall comply with all Colorado Department of Transportation standards for gradation of materials, compaction and other applicable standards.
- 15. **Additional Road Standards**. The Board may also, by majority vote, establish from time to time by Resolution additional standards and specifications for the construction of streets and roads within proposed subdivisions and elsewhere in the County.

E. Underground Utilities.

- 1. All utilities except major power transmission lines, transformers, switching and terminal boxes, meter cabinets and other facilities necessarily appurtenant to such utilities, shall be placed beneath the ground, buried to a depth acceptable to the Planning Commission.
- 2. The construction, installation and repair of right-of-way openings for subsurface utilities requires approval from Costilla County, the posting of an appropriate bond and evidence of adequate insurance.
- F. Utility Easements. Utility easements shall measure twelve (12) feet on each side of rear lot lines and on subdivision perimeter rear lot lines adjacent to unsubdivided property. Utility easements shall measure fifteen (15) feet in width. Side lot easements, where necessary, shall measure ten (10) feet in width on either side of the property line. If the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation or other obstructions, an applicant shall provide like width easements adjacent to said areas of obstruction. Utility easements shall be subject to approval by the applicable utility companies and, where required, additional easements shall be required for main switching stations and substations. Applicants shall make the necessary arrangements with each serving utility for the installation of required utilities.
- G. **Drainage, Erosion, Sedimentation and Flood Control.** Applicants shall be responsible for the design and construction of all drainage and erosion, sedimentation and flood control facilities required to direct and control all permanent and seasonal water, and for proving all necessary drainage easements. All facilities shall be designed by a registered professional engineer licensed to practice in the State of Colorado. Such facilities shall be designed and constructed in a manner that will protect all roadways and lots, permit the unimpeded flow of natural water courses, ensure the adequate drainage of all low areas and avoid stream degradation within and downstream from the proposed subdivision.
 - 1. **Drainage Systems**. Drainage systems proposed as part of a proposed subdivision shall be based on consideration of the drainage basin as a whole and shall be capable of accommodating not only runoff from the proposed subdivision but also, where applicable, the runoff from areas adjacent to and upstream from the subdivision itself. Total runoff shall be calculated using standard engineering techniques and drainage easements shall be provided as necessary to accommodate the expected flow in any twenty-five (25) year period.
 - 2. **Drainage Structures**. Drainage structures shall be designed to prevent heavy sedimentation within or erosion or overtopping of channels or damage to structures. Drainage structures shall be designed in a manner that will not increase the magnitude, depth or velocity of flow at the point where channels cross the boundary line of the proposed subdivision or increase the stream channel energy gradient within or without the proposed subdivision.

- 3. **Culverts and Drainage Under Roadways**. All drainage facilities under roadways shall be designed and constructed to withstand an AASHO recommended H-20 live loading, except as specifically exempted by the County. The minimum accepted culvert size shall be eighteen (18) inches in diameter. Drop structures shall be installed as needed, as shall storm sewers with appropriate inlets and manholes.
- 4. **Drainage and Erosion Control**. The proposed subdivision shall be designed so as to cause minimal erosion problems. To that end, the design and execution of the proposal shall ensure that the proposed subdivision be constructed in a manner which will minimize disturbance of existing vegetation and soil cover. Adequate provision shall be made for re-vegetation and for soil stabilization during and after development of the site. All cuts and fills shall be designed, engineered and landscaped to control erosion as well as provide stability for the entire mass. Natural drainage patterns shall be preserved and protected from increased water flows that could alter such patterns or subject existing channels and adjacent areas to increased erosion.
- Vegetation. Natural vegetation shall be preserved adjacent to streams, rivers, lakes and reservoirs and the planting of trees and bushes, where feasible, is encouraged along open areas. In addition, all road cuts and fills should be replaced or reseeded with grasses suited to the environment.
- 6. **Floodplain**. Portions of a proposed subdivision located within a designated one hundred (100) year floodplain shall be subject to the design limitations, standards and regulations contained in Section 5.120.B. These conditions shall be satisfied before an applicant may submit a Preliminary Plan to the Planning Commission. All proposed development within a designated or identified floodplain located within a proposed subdivision shall comply with the building and land use provisions of this Code and all applicable provisions of the Federal Emergency Management Agency (FEMA) minimum standards and regulation for land use and construction in identified flood hazard areas.
- 7. **Stream Setback**. A minimum fifty (50) foot strip of land measured horizontally from the mean identifiable high water mark on each side of any running stream or creek located within the boundaries of a proposed subdivision shall be protected in its natural state with the exception that footpaths, bridges, irrigation structures, drainage and erosion control structures, flood control devices and outdoor recreation fixtures may be constructed thereon. If such stream is located along the outer boundaries of a proposed subdivision, this requirement shall apply to that part of such stream and strip that is located within the proposed subdivision.
- H. **Sanitary Sewage Disposal Systems**. No final subdivision plat shall receive the approval unless the Colorado Department of Public Health and Environment and/or County Health Department has made a favorable recommendation regarding the proposed method of sewage disposal.

- 1. **Central System**. All subdivisions with twenty lots or more, or subdivisions with a density of more than one unit per acre shall be served by a community or centralized sewage disposal system.
- 2. **Extension of Service**. For development within 2,000 feet of an existing sanitary sewer main or in a service area of a special district authorized to serve such development, the Board may require the subdivider to extend service.
- 3. **Individual Sewage Disposal Systems (ISDS)**. On site individual sewage disposal systems shall comply with this Code and with all applicable State of Colorado statutes and regulations governing the construction of such systems. In addition, applicants shall comply with all other regulations regarding the design and construction of sewage disposal system, including the following provisions:
 - a. Each lot to be served by an on-lot soil absorption sewage disposal system shall have fifty (50) percent of its minimum required lot area or twenty thousand (20,000) square feet, whichever is less, in slopes of less than fifteen (15) percent.
 - b. Any subdivision lot to be served by an on-site sewage disposal system shall have a minimum distance of eight (8) feet from the surface of the ground to the ground water surface, based on the annual high water level.
 - c. Any on-site waste disposal system must be at least one hundred (100) feet from any water supply well and at least fifty (50) feet from any stream or watercourse.
 - d. Soils having a percolation rate faster than five (5) minutes per inch or slower than sixty (60) minutes per inch shall not be divided into building sites to be served by on-lot soil absorption sewage disposal systems.
- 4. Where County, municipal or special district plans indicate that the construction or extension of sewage collection lines may serve a proposed subdivision within a reasonable period of time, the Board of County Commissioners may require the installation of capped sanitary sewer mains and house connections in addition to the installation of temporary on-lot sewage disposal systems. It shall be the responsibility of Costilla County or the designated public health authority for the design approval and supervision of the installation of all capped sewers, laterals and house connections or, if there be a water and sanitation or a sanitation district, that responsibility shall be assumed by the district if it is willing to do so.
- I. Water Service. No subdivision Final Plat shall be approved by the Board of County Commissioners unless a reliable water supply system is available for the lots within that subdivision. Water service that is provided to every lot or parcel by a community or collective water supply and distribution system shall be favored where such systems are practical. Water

supplies shall be treated, as necessary, by methods acceptable to the Colorado Department of Public Health and Environment. Any proposed water supply system for a proposed subdivision shall meet the following conditions and requirements:

- 1. **Quality and Quantity**. There shall be a sufficient quantity, quality, dependability and pressure to provide an appropriate supply of water for the type of subdivision proposed, as determined by the Office of the State Engineer and the Colorado Department of Public Health and the Environment.
- 2. **On-lot Systems**. All lots in a proposed subdivision which cannot practically be provided with a community or centralized water treatment and distribution system shall be provided with individual on-lot water supply systems. The applicant shall install such systems or shall require by deed restriction or otherwise in a manner satisfactory to the Board of County Commissioners as a condition of sale of each lot within the proposed subdivision, that such on-site water supply systems shall be installed by the purchaser of the lot at the time of the construction of the principal building and before it is occupied.
 - a. On-lot systems shall meet these criteria:
 - (1) Underground aquifers are adequate to supply the projected future needs of the development.
 - (2) Well permits are available from the Colorado Division of Water Resources.
 - (3) Well usage would not interfere with vested water rights.
- 3. **Future Demands**. Centralized water treatment and distribution systems shall be sized hydraulically to met the initial and future demands of the proposed subdivision and over-sizing of lines may be required for likely extensions. Such systems shall be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand shall be assumed to be three (3) times average day demand, and maximum hour demand shall be assumed to be six (6) times average day demand, unless other specifications are specifically approved by the Planning Commission upon written application and the demonstration of good cause. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of six (6) hours or a maximum day demand plus the required fire demand for the specified duration.

J. Fire Safety Protection.

1. **Fire Lanes**. Subdivisions may be required to include fire lanes where the forested portion of a proposed subdivision joins or parallels national forest boundaries. Such lanes shall be of sufficient width to allow the passage of

tractors, trucks and other heavy firefighting equipment and the lanes to be cleared shall be indicated on the Preliminary Plan. In cases where fire lanes are required, provision shall be made for them in the Subdivision Improvement Agreement, including provision that all slash materials, vegetative residue, fallen trees, limbs, roots and related material shall be removed from the subdivision or cut for firewood and stacked at appropriate sites. The width and other characteristics of required fire lanes shall be established for each proposed subdivision by the Board of County Commissioners in consultation with the Planning Commission, the appropriate fire suppression agencies and the U. S. Forest Service.

- 2. **Fire Hydrants**. Fire hydrants shall be required in all subdivisions serviced by a centralized water treatment and distribution system. Hydrants shall be spaced not more than one thousand (1000) feet apart and provided with adequate pressure, flow and duration, as determined by prevailing underwriter standards for fire fighting purposes.
- K. **Survey Monuments.** Permanent survey monuments shall be set within all subdivisions pursuant to Sections 38-51-104 and 38-51-105, C.R.S. In addition, No. 5 steel rebar, twenty-four (24) inches or longer in length, shall be set at all lot corners prior to selling or advertising for sale of such lots. All monuments, markers and benchmarks shall have fixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker or benchmark. Benchmarks shall be stamped with the letters "BM" and the elevation of the benchmark.
 - 1. Monuments located within streets shall be of No. 5 rebar steel, thirty-six (36) inches or longer in length, placed so that their tops are six (6) inches below the final street surface. When a street is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.
 - 2. All monuments, markers and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.
- L. **Other Public Improvements.** Other reasonable improvements, not specifically mentioned herein, but found appropriate and necessary by the Board of County Commissioners, shall be shown on the Final Plat and shall be constructed at the applicant's expense, or shared by the applicant and Costilla County, as specified in the Subdivision Improvements Agreement. Such improvements shall be made within a reasonable time and to such reasonable specifications s the Board of County Commissioners deems necessary and appropriate.

Section 9.410 Reservation and Dedication of Public Sites

A. **Dedication of Public Land**. The applicant shall reserve and dedicate to the County land for public purposes.

B. Amount of Public Land Dedicated. In considering the proportion of land, if any, to be reserved or dedicated for public or community purposes, the Board of County Commissioners shall take into account the size, location and characteristics of the proposed subdivision, the current and likely future uses of the surrounding area, and the impact of the subdivision on public services and facilities. The amount of land dedicated for public purposes shall not exceed the amount roughly proportionate to the impacts of the subdivision.

C. Standards for Dedication or Reservation of Land.

- 1. Areas other than rights-of-way proposed for reservation and dedication shall be suitable and usable for the purpose(s) and use(s) intended.
- 2. Dedication of public sites to Costilla County or other eligible entity shall be achieved through deed or other legal transfer of the property at the time of Final Plat approval and before recording of the Final Plat.
- 3. Areas reserved for private uses shall be reserved through deed restrictions and the maintenance of said sites shall be the responsibility of a homeowners association.
- D. **Payment in Lieu of Dedication of Public Sites**. Upon written request by an applicant, the Board of County Commissioners may accept a cash payment in lieu of dedicated land, in whole or part, not to exceed the current market value of such land that would have been dedicated to the County or other public entity. Cash payments received by the Board in lieu of dedicated land shall be held in an escrow account by the County for the purposes allowed by law.

Section 9.420 Impact Fees (Reserved).

DIVISION 5 SUBDIVISION EXEMPTIONS

Section 9.500 Approval of Divisions of Land Exempt from Subdivision

- A. **Land Division Exempt from Subdivision**. Unless the method of disposition is adopted for the purpose of evading this Section and these land use regulations, the following divisions of land are exempt from procedures and standards of the Subdivision Regulations.
 - 1. Boundary Line Adjustment and Lot Line Revision, Correction.
 - a. Division of land for the purpose of revising boundary lines and lot lines from those shown on a recorded plat and which creates no more than the previously recorded number of parcels, provided that: (i) any lot or parcel which is now conforming shall remain so, (ii) any lot or parcel that is not nonconforming shall not increase its degree of nonconformance and, (iii)

- the plat amendment process and other appropriate provisions of this Code are satisfied.
- b. Division of land for the purpose of correcting an engineering or survey error in a recorded plat, provided that the correction(s) meet the applicable provisions of this Code.
- 2. **Consolidation**. Any division of land combining contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for the purposes of this section.
- 3. **Family Transaction Exemption**. Any division of land which is created by and for the purpose of a gift, transfer or sale by a parent to his or her offspring, whether related by blood, marriage or legal adoption, or by such offspring to a parent or grandparent or by a legally appointed guardian to a person under that guardian's care, so long as the parcel created fully conforms to the zoning and other provisions contained within these regulations. Such a gift, sale or transfer shall be specifically prohibited from creating nonconforming lots.

B. Materials to be Submitted to Land Use Administrator for Exempt Subdivision Plat Review.

- 1. **Written Description**. A written description of the proposed exemption which includes the basis for exemption and the proposed use of the property. The Written Description shall also include the following information:
 - a. Demonstrates that the land proposed for exemption will be provided a legal, physical, adequate and dependable potable water supply.
 - b. Demonstrates that the land proposed for exemption will be provided a wastewater disposal system in compliance with the applicable County and state regulations.
 - c. Demonstrates that the proposed exemption will not create hazards and the lot will contain a safe, adequate building site.
 - d. Demonstrates that the proposed exemption complies with applicable approval criteria set forth Section 9.500.E of this Code.
 - e. Demonstrates that the proposed use complies with applicable standards set forth in this Code.

- 2. **Exemption Map.** A map that includes the following information:
 - a. All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.
 - b. Purpose, width and location of all easements.
 - c. Location of all lots and blocks with accurate dimensions.
 - d. Location, identification and dimensions of roads, driveways and trails.
 - e. Location and dimensions of open space parcels and preserved areas.
 - f. Location of utilities.
 - g. Other information deemed necessary by the County for a complete depiction of proposed exemption.
- C. Review of Exempt Subdivision by Land Use Administrator, and Plat Recordation. The Administrator shall review the proposed exempt subdivision for compliance with the Criteria for Approval of Requests for Subdivision Exemption, Section 9.500.E. If the proposed division qualifies as an exemption then the exemption map shall be filed with the County Clerk and Recorder.
- D. Appeal to the Board of County Commissioners of Land Use Administrator's **Decision**. Any person aggrieved by the decision of the Land Use Administrator on a request for Subdivision Exemption may appeal the Administrator's decision to the Board of County Commissioners.
 - a. A written notice of appeal setting forth the reasons why the Board of County Commissioners should revise or reverse the decision of the Administrator must be submitted to the Administrator within five (5) days of the decision by the Administrator on the request for Subdivision Exemption.
 - b. The Land Use Administrator shall schedule a hearing by the Board of County Commissioners within forty-five (45) days of receipt of the notice of appeal.
 - c. Public notice of the hearing shall be made by publication and notice to adjacent property owners in accordance with the procedures set forth in Section 3.230, *except* that it is not necessary to post a notice of the hearing on the property, and written notice to adjacent property owner shall be mailed at least twenty (20) days prior to the hearing and public notice shall be the responsibility of the County.

d. Following a properly noticed public hearing, the Board of County Commissioners shall either uphold the decision of the Administrator, reverse the decision of the Administrator, or revise the decision of Administrator.

E. Criteria for Approval of Requests for Subdivision Exemption.

- 1. Adequate access, adequate potable water, and adequate sewage treatment facilities are available.
- 2. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands. Proposed building lots and structures shall be suitably sized and located with respect to the character of the neighborhood and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures, and to maximize visual blending with the surrounding topography.
- 3. The design of proposed building lots and the location, size, height, and design of proposed structures shall minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, scenic views, vegetative cover, climatology, and other environmental features.

Section 9.510 Rural Land Use Process/Cluster Subdivision Development

- A. **General**. The Rural Land Use Process/Cluster Subdivision Development Process is authorized by 30-28-101(1)(c)(X), C.R.S. and 30-28-401 C.R.S, *et seq*. A development approved pursuant to this section is eligible for the cluster well exemption set forth in 30-28-404, C.R.S.
 - 1. **Eligible Parcels**. The Rural Land Use Process may be used to create a cluster subdivision development on a parcel of land 70 acres or more in any unincorporated area of the County.
 - 2. **Exempt from Subdivision Regulations**. A cluster subdivision development shall be exempt from the standard subdivision and permit procedures set forth in the Land Use Code and shall be governed by this Rural Land Use Process.
 - 3. **Characteristics of a Cluster Subdivision Development**. A cluster subdivision development must have all the following characteristics to be reviewed under this Rural Land Use Process.
 - a. **Use**. The subdivision must be for single-family residential purposes only.

- b. **Open Space**. At least two-thirds of the total area of the parcel to be divided into a cluster subdivision development must be preserved as contiguous open space.
- c. **Density**. The residential density of the cluster subdivision development shall not exceed two (2) residential units for every thirty-five (35) acres within the parcel, and shall not exceed one residential unit for each seventeen and one-half (17 ½) acre increment.
- d. **Ratio of Wells to Lots**. Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty-five (35) acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot in accordance with Section 30-28-404, C.R.S.

B. Application Submittal and Review Process.

- 1. **Pre-application Conference**. The applicant shall meet informally with the County Land Use staff to discuss the proposed development.
- 2. **Application Submittal Requirements**. The following information shall be submitted by the applicant:
 - a. Application Fee.
 - b. <u>Vicinity Map</u>. A map that identifies the general location and boundaries of the parcel to be subdivided, together with identification of the uses of all lands adjacent to the parcel.
 - c. <u>Site Plan</u>. In addition to the requirements of Section 3.210A, a site plan that includes the following information:
 - (1) Boundary lines, corner pins, dimensions and other land survey information; dimensions of the parcel to be exempted.
 - (2) Existing and proposed topography at contours at vertical intervals suitable to demonstrate the drainage and grading features.
 - (3) Location of wells and septic systems.
 - (4) General location of roadways, easements; rights-of-way, both existing and proposed.
 - (5) Description of natural features such as ridges, wildlife corridors, waterways and wetlands, soils, vegetative cover and other features that would, in the opinion of the County, influence development.

- d. <u>Cluster Subdivision Map</u>. A map that includes the following information:
 - (1) All boundary survey control points with monument descriptions to locate blocks, lots, rights-of-ways and easements.
 - (2) Purpose, width and location of all easements.
 - (3) Location of all lots and blocks with accurate dimensions.
 - (4) Location, identification and dimensions of roads, driveways and trails.
 - (5) Location and dimensions of open space parcels and preserved areas.
 - (6) Location of utilities.
 - (7) Other information deemed necessary by the County for a complete depiction of the cluster development subdivision.
- e. <u>Development Report</u>. A report that describes:
 - (1) The existing environmental conditions on the parcel to be developed and the effects of the development on those conditions.
 - (2) The design and engineering of any septic or sewer system, including provisions for on-going operation and maintenance.
 - (3) An evaluation of the projected demands of the development on the ability of the County to provide County services.
 - (4) Traffic impact report.
 - (5) A description of the conservation values to be preserved and the means to preserve those values for the two-thirds of the area of the parcel that will remain undeveloped as open space, pasture or grazing lands, parkland, wildlife habitat or other conservation uses acceptable to the County. Examples of means to preserve the property include, without limitation, creation of a conservation easement, conveyance of land to a land trust, conveyance to homeowners association.
- 3. **Review by Land Use Administrator**. The Administrator shall review the application for determination of completeness. Upon determination of

- completeness, the Administrator shall review the application for compliance with the Cluster Development Review Standards, Section 9.510.C.
- 4. **Review by Referral Agencies**. The Administrator may submit the completed application package for a cluster subdivision development for review by referral agencies relied upon by the County in its review of development applications.
 - a. The applicant shall supply the County with the necessary number of application packets to be sent to the referral agencies.
 - b. Referral responses must be received by the County staff within fifteen (15) days of transmittal of the application packet.
- 5. **Planning Commission Review**. The completed application for a cluster subdivision development shall be reviewed by the Planning Commission at its first regularly scheduled meeting after the Administrator deems the application to be complete. No public hearing is required at the Planning Commission review. The Planning Commission shall recommend to the Board of County Commissioners that the cluster subdivision development be approved, approved with conditions or denied.
- 6. **Review by Board of County Commissioners**. The Board of County Commissioners shall hold a public hearing not less than forty-five (45) calendar days from the date of the Planning Commission meeting at which the development is reviewed.
 - a. <u>Publication of Hearing Notice</u>. Notice of the hearing shall be published according to the provisions of Section 3.230
 - b. <u>Notification of Adjacent Property Owners</u>. Property owners within 500 feet of the parcel to be developed shall receive written notice of the proposed development and the hearing. Notification is the responsibility of the applicant and shall be done in accordance with the provisions set forth in Section 3.230.
 - c. <u>Action by Board</u>. Following the public hearing, conducted pursuant to Section 3.240, the Board of County Commissioners shall approve, approve with conditions or deny the cluster development request based on the Cluster Development Review Standards set forth in Section 9.510.C below.

C. Cluster Development Review Standards.

1. Proposed division and development of the land minimizes the impacts of residential development on agricultural lands and agricultural operations, and maintains the rural character of lands.

- 2. Proposed division and development of the land maintains the opportunity for agricultural production on the most productive and viable parcels of land.
- 3. Buildable lots shall be clustered.
- 4. Proposed division and development of the land minimizes negative visual impact as viewed from public rights-of-way including roads, and public open spaces.
- 5. Topsoil shall be replaced and the landscape revegetated with native plant materials of adequate quantity and quality within one growing season after disturbance of the area.
- 6. Proposed division and development of the land provides adequate buffers between water bodies and development to protect water quality, enhance wildlife habitat and improve visual quality of rivers, lakes, wetlands and irrigation ditches and avoids sedimentation and runoff impacts during and after development including those that impact irrigation ditches.
- 7. Lots and building sites shall be designed to minimize impacts on public roads and services.
- 8. Roads, water and wastewater services shall be adequate to serve the proposed subdivision. Where well water is used, the annual withdrawal rate shall not exceed the rate of one acre-foot for each thirty- five acres within the cluster development unless a water augmentation plan is approved. One well shall be allowed per residential lot in accordance with section 30-28-404 C.R.S.
- 9. Proposed division and development of the land shall avoid negative impacts to wildlife and wildlife habitat.
- 10. Proposed division and development of the land locates all development outside known and/or active hazard areas. These include: ground subsidence, potential rock fall, fault or fault zone, unstable slopes, slope failure complex, landslide, mudflow, floodplain and earthflow areas.
- 11. Proposed division and development of the land minimizes the risk of wildfires.
- 12. Two-thirds of the parcel shall be preserved as contiguous open space to be used as wildlife habitat, grazing land, critical natural areas or similar uses.
- 13. The proposed division of land is for single-family dwelling use only, and the residential density does not exceed two (2) residential units for every thirty-five (35) acres or one residential unit for each seventeen and one half (17 ½) acre increment.

D. **Recordation**. Within thirty (30) days following approval of the cluster development subdivision by the Board of County Commissioners, the map of the cluster development subdivision and the development agreement, if any, shall be recorded in the office of the clerk and recorder.

DIVISION 6 LARGE LOT LAND DIVISIONS

Section 9.600 Large Lot Land Divisions

- A. **Recording of Plat.** All divisions of land which create parcels of land each of which comprise thirty-five (35) or more shall be accompanied by a recording of a plan or plat with the Costilla County Clerk and Recorder.
- B. **Plat Information.** Large lot division plats shall contain the following information:
 - 1. **Plan**. A plan, drawn in ink, prepared by a registered professional land surveyor indicating the bearings, distances and curve data of all perimeter boundary lines and legal descriptions and dimensions of all parcels of land that have been so divided.
 - 2. **Access Drive Easement**. For all such parcels not adjoining a County maintained public street or road, an access drive easement not less than thirty (30) feet in width shall be designated as such and bearings and dimensions given between the parcel and a public road or street.
 - 3. **Identification**. The information on the plan shall include the name of the tract if applicable; the current date; the Township, Range and Section in which it is located; the name and mailing address of the seller; and the buyer shall endorse the plan, warranty deed or the recorded deed with the following statement:
 - a. "The buyer hereby acknowledges that the Board of County Commissioners of Costilla County, Colorado is not responsible in any fashion for the construction, acceptance or maintenance of access drives or roads or streets indicated on this plan. Public service vehicles, emergency vehicles and other vehicles and persons within them having legitimate business to transact shall have the right of ingress, egress and regress along all such drives, roads and streets. The buyer also acknowledges that the right of such access on roads and streets not constructed for or by, nor dedicated to or accepted by and not maintained by Costilla County does not assure prompt, timely arrival of public safety vehicles or the prompt, timely delivery of public safety services."

Signed:	Da	ate:
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